

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

C.A. No. 05-11045-GAO

MICHAEL BAEZ,
Plaintiff

v.

MICHAEL MALONEY, et al.,
Defendants

DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME

The defendants Joseph Rackett, David Bolduc, Edward Ficco, Brian McManus, Robert Lashua, David Shaw, Charles Hooper, Edmund Preston, John Flowers, and Michael Cravedi, in the above-captioned action, move the Court for a fourteen-day enlargement of time, pursuant to Fed. R. Civ. P. 6(b), for them to file a dispositive motion, to and including July 13, 2007.¹

This action was filed by a pro se state prisoner incarcerated in the Commonwealth of Massachusetts Department of Correction's DDU at MCI-Cedar Junction, and he is proceeding in forma pauperis. The defendants state the following grounds for this request:

1. Discovery closed on April 30, 2007. Summary judgment motions were originally due about two weeks thereafter.
2. The Court has allowed one extension to file dispositive motions, of forty-five days, to June 29, 2007, due to the plaintiff's hospitalization and plaintiff's pending responses to the defendants' March 2007 requests for admissions. The plaintiff has

¹ Undersigned counsel does not represent Michael Maloney or Eugene Marsolais, who no longer work for the Department of Correction, and who have not been served with summonses and a copy of the complaint.

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just informed undersigned counsel for defendants that he has no intention of responding to the defendants' Requests for Admissions.

3. Because of the extraordinary number of inmate suits filed against the Department of Correction, totaling about one hundred new complaints per month, for a total of 3,900 presently pending cases, no other attorney has been able, and none will be available, to assist defense counsel. Presently, the Legal Office is understaffed by three attorneys, one due to surgery and two to resignations.
4. Besides having to assist in covering emergencies as they arise in the cases left by these absences, undersigned counsel just completed and filed the a lengthy summary judgment motion ordered to be filed by June 19, 2007 in the case of Hosie v. Dennehy, USDC 06-11905-GAO. Simultaneously, undersigned counsel is working on a summary judgment motion due in Tibbs v. Commonwealth, USDC No. 05-12509-RGS on or before July 15, 2007.
5. Until today, counsel has also been preparing for a lengthy jury trial scheduled to begin on July 16, 2007 in Kelley v. Commonwealth, SUCV 02-1637 in Suffolk Superior Court, which was today continued. Also, she is working on appellees' brief, which has a final deadline of August 4, 2007, in Cruthird v. Maloney, in the state Appeals Court.
6. In addition, due to the need to appear at oral arguments and defend in, including, but not limited to: Snell v. Dennehy, et al., SUCV 05-459; Houghton v. Dennehy, et al., WOCV02-1410; and on a third-party subpoena in Commonwealth v. Clark, NOCR 05-287, as well as a mandatory full-day of training on the Prison Rape Elimination

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Act (PREA), and previously scheduled vacation leave of various defendants, counsel has been unable to meet with all ten defendants in order to draft satisfactory affidavits and obtain signatures in support of summary judgment. The first opportunity to do so is at a meeting scheduled with some defendants on July 2, 2007 and with others on July 9.

7. Because the claims do not involve the computation of the plaintiff's sentence, but is a claim for damages, the granting of this motion will not prejudice him.

Respectfully submitted,

The defendants,
By their attorneys,

Dated: June 27, 2007

NANCY ANKERS WHITE
Special Assistant Attorney General

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CERTIFICATE OF SERVICE

I, Margaret Melville, certify that on this day, I have served the plaintiff *pro se* in the above-entitled action with a true and accurate copy of the foregoing Motion for Enlargement and Certificate of Service at his addresses of record, by First Class Mail, postage prepaid.

June 27, 2007

/s/ Margaret Melville
Margaret Melville